

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 626910075 US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 24, 2005

Signature:

  
(Andrea Silverman)Docket No.: BIDM-P01-013  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
John V. Frangioni

Application No.: 10/517,280

Filed: November 19, 2004

For: DEVICE FOR WAVELENGTH-SELECTIVE  
IMAGING

Confirmation No.: 5705

Art Unit: N/A

Examiner: Not Yet Assigned

June 24, 2005

COMMUNICATION IN RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) was mailed April 27, 2005. A copy of the Notice is attached as Exhibit A. The Notice sets a deadline of two months for filing a response. Therefore, a response is due June 27, 2005. Accordingly, this Communication is being timely filed.

REMARKS

The Notice states that an oath or declaration is missing. In response, Applicants respectfully submit as Exhibit B a suitable Combined Declaration and Power of Attorney. The Notice also states that the \$65.00 surcharge for filing the oath or declaration is required. In response, authorization is hereby given to charge the amount of this fee to Deposit Account 18-1945.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

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this application by this firm) to our Deposit Account No. 18-1945, under Order No. BIDM-P01-013.

Dated: June 24, 2005

Respectfully submitted,

By 

Spencer H. Schneider

Registration No.: 45,923

FISH & NEAVE IP GROUP

ROPES & GRAY LLP

1251 Avenue of the Americas

New York, New York 10020-1104

(212) 596-9451

(212) 497-3650 (Fax)

Attorneys/Agents For Applicant

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p style="text-align: center;"><b>Complete if Known</b></p>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/517,280
		Filing Date	November 19, 2004
		First Named Inventor	John V. Frangioni
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT		(\$)	65.00
		Attorney Docket No.	BIDM-P01-013

**METHOD OF PAYMENT** (check all that apply)

☐ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account    Deposit Account Number: 18-1945    Deposit Account Name: Ropes & Gray LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
	x			Fee (\$)    Fee Paid (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
	x		

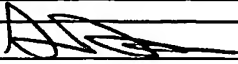
**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50	(round up to a whole number) x	

**4. OTHER FEE(S)**

2051 Surcharge-Late oath or declaration 65.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	45,923
Name (Print/Type)	Spencer H. Schneider	Telephone	(212) 596-9451
		Date	June 24, 2005

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Dated: June 24, 2005    Signature: Andrea Silverman (Andrea Silverman)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,280	John V Frangioni	BIDM-P01-013

INTERNATIONAL APPLICATION NO.
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PCT/US03/16285

LA. FILING DATE	PRIORITY DATE
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05/22/2003

05/22/2002

28120  
FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110-2624

CONFIRMATION NO. 5705

371 FORMALITIES LETTER



\*OC000000015875810\*

Date Mailed: 04/27/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/19/2004
- Copy of the International Search Report filed on 11/19/2004
- Preliminary Amendments filed on 11/19/2004
- Information Disclosure Statements filed on 11/19/2004
- Small Entity Statement filed on 11/19/2004
- Request for Immediate Examination filed on 11/19/2004
- U.S. Basic National Fees filed on 11/19/2004
- Priority Documents filed on 11/19/2004

**Ropes & Gray****Symbol #:** BIDM-P01-013**Action Due:** Response to Notice to File Missing Parts**Deadline(s):** 27 Jun 2005 / 27 Nov 2005  
Final

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**Ropes & Gray**

MAY 02 2005

Intellectual Property Dept.

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ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,280	PCT/US03/16285	BIDM-P01-013

FORM PCT/DO/EO/905 (371 Formalities Notice)